

JULIAN MARTINEZ PEREZ,

Plaintiff,

-against-

WEST SIDE PIZZA LLC, et al.,

Defendants.

18-CV-5834 (JGK) (OTW)

## ORDER

**ONA T. WANG, United States Magistrate Judge:**

This matter has been referred to me for Inquest if a default judgment is granted. (ECF 69). By **December 18, 2021**, Plaintiff shall serve on Defendant and file an inquest memorandum setting forth proof of damages. Plaintiff shall also serve a copy of this Order on Defendant by **December 18, 2021**.

Plaintiff's proposed findings of fact and law should specifically tie the proposed damages figure to the legal claim(s) on which liability has been established. Further, Plaintiff's proposed damages figures should be supported by documentary evidence and/or one or more affidavits by an individual with personal knowledge establishing the proposed figures. *See RGI Brands LLC v. Cognac Brisset-Aurige, S.A.R.L.*, No. 12-CV-1369 (LGS) (AJP), 2013 WL 1668206, at \*6 (S.D.N.Y. Apr. 18, 2013) (noting burden on plaintiff to establish damages amount with "reasonable certainty"). Plaintiff must also include documentation, including contemporaneous time records, supporting any requested attorney's fees and costs.

Defendant's opposition papers shall be filed by **January 15, 2021**.

The Court hereby notifies the parties that it may conduct this inquest solely on the written submissions of the parties. *See Action S.A. v. Marc Rich & Co., Inc.*, 951 F.2d 504, 508 (2d Cir. 1991). If any party seeks an evidentiary hearing on damages, such party must include the request in its papers, as well as provide reasons why a hearing is necessary and detail what types of additional evidence would be presented at the hearing.

**SO ORDERED.**

Dated: December 3, 2020  
New York, New York

*s/ Ona T. Wang*

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**Ona T. Wang**  
United States Magistrate Judge